



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:20.02.2018

Coram :-

THE HON'BLE DR.JUSTICE S.VIMALA

and

THE HON'BLE MRS.JUSTICE T.KRISHNAVALLI

Habeas Corpus Petition No.199 of 2018

V.Chitra

... Petitioner

-vs-

1. The Superintendent of Police
Sivagangai District,
Sivagangai.
2. The Inspector of Police
Karaikudi North Police Station,
Sivagangai District

3.Udaiyan

3.Poochendu

... Respondents

Prayer: Writ petition under Article 226 of the Constitution of India is filed praying for issuance of a writ of Habeas Corpus, to direct the respondent Nos.1 to 2 to produce the body or person of detenu, the petitioner's husband namely, Duraipandi, S/o.Udaiyan, aged about 40 years, before this Court from the illegal custody of the 3rd and 4th respondents and set him at liberty.

For petitioner : Mr.K.Karmegam

For respondents : Mr.C.Ramesh for R1 & R2
Addl. Public Prosecutor

O R D E R

(Order of the Court was made by S.Vimala,J.,)

This petition has been filed by the petitioner to secure his husband/detenu, namely, Duraipandi, S/o.Udaiyan, aged about 40 years, from the illegal custody of the respondents 3 and 4 and set him at liberty.



2. In the affidavit filed in support of this petition, it is stated that the marriage between the petitioner and the detenu had taken place on 24.08.2009 and out of the wedlock, they have been blessed with two female children. It is alleged that the respondents 3 and 4, who are the father-in-law and mother-in-law of the petitioner, drove the petitioner along with her children out of the house and in respect of which, a complaint has been lodged with the respondent police on 06.07.2017. Further allegation is that maintenance petition has been filed by the petitioner herein before the Judicial Magistrate, Karaikudi and the same is pending.

3. The apprehension of the petitioner is that the life of the detenu may be in danger at the hands of the respondent Nos. 3 and 4 and alleging so, she has preferred a complaint dated 22.12.2017 requesting to save the life of the detenu from the respondent Nos. 3 and 4. So stating, this Habeas Corpus Petition has been filed.

4. The respondents 3 and 4 are admittedly the parents of the detenu. The learned Additional Public Prosecutor has produced the statement of accounts from the State Bank of India, Sivaganga, (where the account stands in the name of the petitioner herein) in order to show that from the year 2014, the husband has been remitting money to the name of the petitioner and the last clearance is on 31.07.2017.

5. The learned Additional Public Prosecutor would point out that the detenu is allegedly at Singapore for several years and only from there, he has been remitting money to the account of the petitioner. The entire affidavit is silent with regard to where her husband/detenu was originally working. When the husband is at Singapore and the parents are at Sivagangai District, we do not understand the apprehension of the petitioner that the life of the detenu is at danger at the hands of the respondents 3 and 4. Merely for the purpose of filing this petition, several allegations have been unwarrantedly made. It is also stated that maintenance application is pending before the Judicial Magistrate. It is also brought to our attention the statement given by the sister of the detenu, namely, Shanthi, where under she has stated that she has no connection whatsoever with her brother/detenu herein and dispute is also pending between the petitioner herein and her in-laws in O.S.No.113/2017. While enquiry was in progress, the petitioner is stated to have left the premises of the police station at Karaikudi. The conduct of the petitioner herein is not praiseworthy and the continued non disclosure of essential details in this petition itself would go to show that <https://hcservices.courts.gov.in/hcservices/> in the petition itself.

6. In the said circumstances, we are constrained to dismiss



3

the Habeas Corpus Petition.
dismissed.

Accordingly, this petition is

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police
Sivagangai District
Sivagangai.
2. The Inspector of Police
Karaikudi North Police Station,
Sivagangai District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+ 1 cc TO Mr.K.Karmegam , Advocate in SR No. 50428

RR

AE/SKN RSK/SAR4/03.04.2018/3P/5C

Habeas Corpus Petition No.199 of 2018
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